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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,091		Kuriacose Joseph	05214.P001RD4	2849

7590 05/08/2003  
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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,091

Applicant(s)

JOSEPH ET AL.

Examiner

Brown M. Reuben

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 246-312 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 246-312 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓✓✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Reissue Applications*

1. The present reissue application is a divisional of 09/672,523, which is a reissue application of 08/233,908, patented as 5,819,034. The present Office Action is in response to Pre-Amendment, filed 07/10/2001.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 313 is rejected under 35 U.S.C. 102(e) as being anticipated by Haman, (U.S. Pat # 6,166,728.

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Considering claim 313, the claimed machine-readable medium embodying a sequence of instructions, that when executed by a machine, cause the machine to receive data including auxiliary representing video images reads on the operation of Haman, which discloses that a subscriber terminal receives data, alternatively as auxiliary data within the VBI of TV signal, col. 3, lines 4-35; col. 4, lines 61-67. This auxiliary data may be stored in memory at the subscriber terminal, col. 3, lines 29-37; col. 8, lines 7-18.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 246-312 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graczyk, (U.S. Pat # 5,192,999), in view of Haman.

Considering claims 246, 247, 257, 259, 268, 269, 277, 279, 285, 286, 298 & 299, the claimed TV system or method comprising a local computer collocated with and in communication with a client to allow the client to communicate with the local computer reads on the disclosure of Graczyk, which is directed to a computerized TV system including a

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personal computer and a TV circuit 46, within the same chassis; see Fig. 1; Abstract & col. 2, lines 10-22. The claimed client corresponds with the TV circuit 46, which is enabled to receive TV signals from an antenna or CATV connection, col. 5, lines 64-66. Regarding the claimed feature of the client receiving data including auxiliary data and an auxiliary data processor, Graczyk does not discuss in detail the content of received TV signals.

Nevertheless, at the time the invention was made, it was well-known in the art of TV distribution to include auxiliary data within a TV signal. Such a feature is taught by Haman, which discloses downloading data to client set top boxes, including graphics/video data that is displayed on the display screen, col. 2, lines 35-60 & col. 3, lines 1-30. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Graczyk with the feature of downloading interactive menu screen to a client device, as taught by Haman, at least for the desirable benefit of dynamically changing or upgrading the instant interactive menu screens; see col. 2, lines 6-30.

As for the additionally claimed feature of a mass storage in communication with the client to enable the client to retrieve information from the mass storage, Graczyk teaches that the TV circuit may retrieve at least graphics/video data from a laser disk player, col. 5, lines 66-67.

Considering claims 248, 258, 270, 278, 287-288 & 300-301, col. 9, lines 50-62 of Graczyk discloses that video signals from TV circuit 46 may be mixed with graphics/video signals from host computer 24 and stored on a disk.

Considering claims 249-251, 260-262, 271-273, 280-281, 289-291 & 302-304, the host computer 24 of Graczyk, which is a personal computer, controls the processes within the multimedia computerized TV system, including the operation of the TV circuit 46. As for the computer program received in the data, Haman teaches that the graphics and EPG data transmitted to the subscriber may be in the form of executable code, which reads on a computer program; see col. 2, lines 32-40; col. 3, lines 5-30.

Considering claims 252 & 263, the claimed client computer reads on the operation of the TV circuit 46, which includes in own computer processing circuitry, col. 9, lines 41-46 & col. 17, lines 12-45 and the set top box of Haman, which includes a microprocessor 128.

Considering claim 253-256, 264-267, 275-276, 283-284, 292-297 & 305-311, the executable code discussed in Haman facilitates user interaction with an interactive TV system, by generating and displaying graphics; see col. 1, lines 34-36; col. 5, lines 9-11; col. 11, lines 19-25; col. 13, lines 65-67.

Considering claims 274 & 282, the server or headend in Haman generates data that is transmitted to the subscriber equipment.

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Considering claim 312, the claimed machine-readable medium embodying a sequence of instructions that, when executed by a machine, causes the machine to perform functions that correspond with subject matter mentioned above in the rejection of claim 246, is likewise analyzed.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Majeti Discloses a subscriber premise that includes a personal computer collocated with a set top box.

B) Ng Teaches embedding various types of data within the VBI of a TV signal, in a digital packet format.

C) Beaudry Discloses transmitting additional data as packets to subscribers.

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**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600